

City of Killeen
Regular City Council Meeting
Killeen City Hall
April 26, 2016 at 5:00 p.m.

Presiding: Mayor Scott Cospier

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Jim Kilpatrick, Juan Rivera, Shirley Fleming, Jonathan Okray

Also attending were Interim City Manager Lillian Ann Farris, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Hennig.

Mr. Jones gave the invocation, and Councilmember Kilpatrick led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda as written. Motion seconded by Councilmember Fleming.

Councilmember Kilpatrick made a motion to amend the agenda by tabling PH-16-014. Motion was seconded by Councilmember Rivera. Motion to amend failed 2 to 3 with Councilmember Moore, Councilmember Fleming, and Councilmember Okray in opposition.

Original motion carried 3 to 2 with Councilmember Kilpatrick and Councilmember Rivera in opposition.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the April 12th Regular City Council Meeting. Motion was seconded by Councilmember Okray. Motion carried 5 to 0.

Resolutions

RS-16-043 Consider a memorandum/resolution authorizing the procurement of forty-one (41) encrypted digital handheld radios for the Police Department.

Staff comments: Deputy Chief Young

The Staff recommends the acquisition of forty-one (41) digital radios from Dailey Wells Communications as a sole source procurement for \$119,108 and forty-one (41) accessory sets (spare batteries, battery chargers & shoulder microphones) from Tac 1 Systems for \$9,553 based on lowest quoted price, and that the Interim City Manager or designee is expressly authorized to execute any and all change orders within the amounts set by State and local law.

Motion was made by Councilmember Moore to approve RS-16-043. Motion was seconded by Councilmember Okray. Motion carried 5 to 0.

RS-16-044 Consider a memorandum/resolution authorizing the award of Bid No. 16-10 for concrete, street materials, top soil, rock, and slurry seal services

Staff comments: Scott Osburn

City staff recommends that City Council award purchase contracts to APAC Wheeler, Crafcro, DIJ Construction, Killeen Crushed Stone, Ratliff Ready Mix, Roy. D. Leifester, and Viking Construction for the purchase of various Concrete, Street Materials, Top Soil, Rock, and Slurry Seal Services; authorize the City Manager to enter into a contract with the

same, including the proposed extensions described; and finally, authorize the Interim City Manager to execute any and all change orders in the amounts established by state and local law.

Motion was made by Councilmember Fleming to approve RS-16-044. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 0.

RS-16-045 Consider a memorandum/resolution authorizing the award of a professional services agreement to Jacobs Engineering Group, Inc. to update the TCEQ industrial storm water permits for the city's two airports.

Staff comments: Kristina Ramirez

Staff requests City Council authorize the Interim City Manager to execute a professional services contract with Jacobs Engineering Group, Inc. in the amount of \$65,025.00 and authorize the Interim City Manager to execute any and all change orders or supplemental agreements within the amounts set by state and local law.

Motion was made by Councilmember Moore to approve RS-16-045. Motion was seconded by Councilmember Fleming. Motion carried 5 to 0.

RS-16-046 Consider a memorandum/resolution authorizing a fireworks display to be conducted at the Killeen Community Center Complex.

Staff comments: Brett Williams

Staff recommends that City Council authorize the issuance of a permit to discharge fireworks to American Fireworks as part of the City's annual Celebrate Killeen Festival, scheduled for April 30, 2016, at 9:30 p.m. at the Killeen Community Center Complex.

Motion was made by Councilmember Rivera to approve RS-16-046. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 0.

RS-16-047 Consider a memorandum/resolution appointing a replacement to the Technical Advisory Committee for the Killeen Temple Metropolitan Planning Organization (KTMPPO).

Staff comments: Mayor Cosper

It is recommended the City Council appoint Ann Farris to replace Glenn Morrison on the Technical Advisory Committee.

Motion was made by Councilmember Kilpatrick to approve RS-16-047. Motion was seconded by Councilmember Okray. Motion carried 5 to 0.

RS-16-048 Consider a memorandum/resolution directing Oncor Electric Delivery Company, LLC to show cause why current rates are reasonable.

Staff comments: Traci Briggs

Staff recommends that the City Council approve the attached resolution directing Oncor Electric Delivery Company, LLC to show cause for its current rates.

Motion was made by Councilmember Moore to approve RS-16-048. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 0.

Public Hearings

- PH-16-014** HOLD a public hearing and consider an ordinance by Abdul Khan to rezone Lot 1, Block 1, Wassay Addition Section I, from “CD” (Cemetery District) with a Conditional Use Permit (CUP) to “CD” (Cemetery District) with a Conditional Use Permit (CUP) for a Dollar General retail store. The property is locally known as 10752 S. Fort Hood Street, Killeen, Texas. (Requires a three-fourths (3/4) majority vote.)

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM CD (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) TO CD (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

Mr. Gage, applicants representative, request that this item be postponed until a future date to give time for further discussion with community members.

Motion was made by Councilmember Kilpatrick to postpone PH-16-014 to a future date. Motion was seconded by Councilmember Rivera. Motion carried 5 to 0.

- PH-16-015A** HOLD a public hearing and consider an ordinance requested by Barry and Son Woodham to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from "General Residential" to "General Commercial" (FLUM# Z16-02) for Lot 26, Block 2, High View Addition. The property is locally known as 104 W. Hallmark Avenue, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN’S FUTURE LAND USE MAP FROM ‘GENERAL RESIDENTIAL’ TO ‘GENERAL COMMERCIAL’ FOR LOT 26, BLOCK 2, HIGH VIEW ADDITION, BEING LOCALLY KNOWN AS 104 W. HALLMARK AVENUE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The Planning and Zoning Commission recommended disapproval of the applicant’s request for an amendment of the Future Land Use Map (FLUM) from "General Residential" to "General Commercial" by a vote of 5 to 2. This item does require a super majority vote.

Mayor Cosper opened the public hearing.

Perry Woodham, 104 Hallmark, owner of property – explained the reasons for the request to rezone. Spoke in favor of amending the FLUM, and wants permission to sale RV’s at this location for a short period of time.

Nick Rice, 4907 Rose Ct – Spoke in favor of FLUM amendment.

With no one else appearing the public hearing was closed.

Motion was made by Councilmember Okray to disapprove PH-16-015A. Motion was seconded by Councilmember Moore. Motion carried 4 to 0, with 1 abstention, Councilmember Fleming .

PH-16-015B HOLD a public hearing and consider an ordinance requested by Barry and Son Woodham (Case #Z16-02) to rezone Lot 26, Block 2, High View Addition, from “B-2” (Local Retail District) to “B-4” (Business District). The property is locally known as 104 W. Hallmark Avenue, Killeen, Texas. (Requires a three-fourths (3/4) majority vote.)

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-2 (LOCAL RETAIL DISTRICT) TO B-4 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

Staff notified 19 surrounding property owners within the 200’ notification area. Staff has received no responses.

The Planning & Zoning Commission recommended disapproval by a vote of 6 to 0. In accordance with Killeen Code of Ordinances section 31-39(d), approval of this request will require a three-fourths affirmative vote of the City Council.

Mayor Cosper opened the public hearing. With no one appearing the public, hearing was closed.

Motion was made by Councilmember Okray to disapprove PH-16-015B. Motion was seconded by Councilmember Moore. Motion carried 4 to 1 with Councilmember Fleming in opposition.

PH-16-016 HOLD a public hearing and consider an ordinance requested by CPB Investments (Case #Z16-04) to rezone approximately 3.0831 acres, being part of the T. Robinett Survey, Abstract No. 686, from “A-R1” (Agricultural Single-Family Residential District) to “B-3” (Local Business District) for a Texas Department of Public Safety customer service office. The property is located across the street from Shoemaker High School, between W. Elms Road and Janelle Drive, east of Clear Creek Road (S.H. 201), Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM A-R1 (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-3 (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Charlotte Hitchman

The staff notified three (3) surrounding property owners regarding this request. Staff has received no responses. The Planning & Zoning Commission recommended approval of “B-3” zoning by a vote of 5 to 1.

Mayor Cospo opened the public hearing.

David Woodlock, 510 W. 15th St, Austin, representative for developer – spoke in favor of request and explained need for project for citizens of Killeen.

Roy Sampson, 706 Teel Dr – spoke against request.

With no one else appearing the public hearing was closed.

Mayor Pro Tem Moore stated his concern that this project would add to the congestion already in the area and create a safety concern for the students at Shoemaker High School, which is directly north of this property. Councilmember Fleming agreed with Mayor Pro Tem Moore, and added that more projects such as this should locate in the north side of Killeen.

Motion was made by Councilmember Moore to disapprove PH-16-016. Motion was seconded by Councilmember Fleming. Motion carried 3 to 2 with Councilmember Kilpatrick and Councilmember Rivera in opposition.

PH-16-017A Consider a memorandum/resolution accepting a Defense Economic Adjustment Assistance Grant (DEAAG).

Staff comments: Matt Van Valkenburg

Recommend the Council accept the DEAAG and authorize the City Manager to execute any all necessary grant documents and any and all amendments to the grant within the amounts set by state and local law.

Motion was made by Councilmember Kilpatrick to approve PH-16-017A. Motion was seconded by Councilmember Moore. Motion carried 5 to 0.

PH-16-017B HOLD a public hearing and consider an ordinance amending the FY 2016 Annual Budget and Plan of Municipal Services of the City of Killeen by creating the Aviation DEAAG Fund.

The City Secretary read the caption of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 2016 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY PROVIDING FUNDING FOR AN INCREASE IN AVIATION DEAAG FUND EXPENDITURE ACCOUNTS TOTALING \$5,000,000; PROVIDING FOR ADDITIONAL AVIATION DEAAG FUND REVENUES IN THE AMOUNT OF \$5,000,000; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Staff comments: Jonathan Locke

This amendment is needed to authorize the Aviation DEAAG Fund to receive and expend funds as necessary to support the project in FY 2016 and 2017.

Staff recommends that City Council approve the ordinance for the Aviation DEAAG Fund.

Mayor Cospo opened the public hearing. With no one appearing the public hearing was closed.

Motion was made by Councilmember Okray to approve PH-16-017B. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 0.

Adjournment

With no further business, upon motion being made by Councilmember Okray, seconded by Councilmember Moore, and unanimously approved, the meeting was adjourned at 5:56 p.m.

Scott Cospers, Mayor

Dianna Barker, City Secretary